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**AJMER STATE GOVERNMENT**

**Law and Judicial Department**  
*Ajmer, the 2nd February, 1956*

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 25th January, 1956 and is hereby published for general information:—

**THE AJMER TENANCY AND LAND RECORDS (AMENDMENT)  
ACT, 1954.**

**ACT No. I OF 1956**

*An Act to amend the Ajmer Tenancy and Land Records Act, 1950.*

Be it enacted by the Legislative Assembly of the State of Ajmer in the Fifth Year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Ajmer Tenancy and Land Records (Amendment) Act, 1954.

(2) It shall come into force at once.

**2. Interpretation.**—The General Clauses Act, 1897 (X of 1897), applies for the interpretation of this Act as it applies for the interpretation of a Central Act.

**3. Amendment of section 4, Act XLII of 1950.**—In section 4 of the principal Act,

(1) after clause (5) the following clause shall be inserted, namely:—

“(5A) “*Bigha*” means 1936 square yards of land.”

(2) after clause (6) the following clause shall be inserted, namely:—

“(6A) “*Bir*” means any piece of land in any village which is set apart or maintained by a landlord or a tenant as a

grass preserve, but does not include land taken up under section 3 of the Ajmer Forests Regulation, 1874 (VI of 1874)."

(3) in sub-clause (ii) of clause (13), in item (a) after the word "construction" the words "or acquiring by giving *nazarana*" shall be inserted.

(4) after clause (28) the following clause shall be inserted, namely:—

"(28A) "Pasture land" means a piece of any uncultivated land customarily set apart for the grazing of cattle of the village in which such land is situate."

(5) for item (iii) of clause (35) the following item shall be substituted, namely:—

"(iii) A Record Officer, a Rent Rate Officer and an Assistant Record or Rent Rate Officer."

(6) in clause (39) the words "or from a rent-free grantee, or from a grantee at a favourable rate of rent," shall be omitted.

**4. Amendment of section 5, Act XLII of 1950.**—In section 5 of the principal Act, the proviso shall be omitted.

**5. Insertion of new section 9A in Act XLII of 1950.**—After section 9 of the principal Act, the following section shall be inserted, namely:—

"9A. **Settlement of certain disputes.**—Any dispute arising in respect of any of the matters specified in section 6 or section 9 shall be decided by the Sub-Divisional Officer on the application of the aggrieved party and his decision thereon, shall subject to the provisions of this Act, be final."

**6. Substitution of new section for section 10 of Act XLII of 1950.**—For section 10 of the principal Act, the following section shall be substituted, namely:—

"10. **Definition.**—*niji jot* means *khudkasht* demarcated under the provisions of this Chapter or recorded as *khudkasht* in the field book maintained under section 130 in any two of the agricultural years 1358, 1359 and 1360 *Fasli*."

**7. Amendment of section 18, Act XLII of 1950.**—In section 18 of the principal Act, in clause (b) the word 'or' shall be added at the end, and after clause (b) the following clause shall be inserted, namely:—

"(c) who, being a hereditary tenant, has made any improvement in his holding after the commencement of this Act, of the nature referred to in item (a), (b), (c), (e) or (f) of sub-clause (ii) of clause (13) of section 4."

**8. Amendment of section 57, Act XLII of 1950.**—In section 57 of the principal Act, after the existing provisos the following proviso shall be added namely:—

"Provided also that the tenant shall not surrender only a portion of his holding unless—

- (a) either such portion has been rendered uncultivable on account of flood, erosion or other like cause, or
- (b) the rent of such portion has been enhanced by order of any court and the tenant does not agree to pay the enhanced rent."

**9. Amendment of section 77, Act XLII of 1950.**—In sub-section (1) of section 77 of the principal Act, for the words "the tenant" the words "the landholder or the tenant" shall be substituted. 78

**10. Amendment of section 78, Act XLII of 1950.**—In section ~~80~~ of the principal Act, the words "in cash" shall be omitted.

**11. Amendment of section 85, Act XLII of 1950.**—In section 85 of the principal Act after sub-section (4), the following Explanation shall be inserted, namely:—

*"Explanation.*—For the purposes of this section, the rent of *kharif* shall be deemed to be payable on the first January and that of *rabi* on the first June of every year."

**12. Substitution of section 87 in Act XLII of 1950.**—For section 87 of the principal Act, the following section shall be substituted, namely:—

**"87. Owners of tanks to supply water and charge irrigation dues.**—(1) Subject to any rules made under this Act by the Chief Commissioner the owner of a tank, well or other sources of irrigation shall—

- (a) supply water from the tank, well or other sources of irrigation for the purpose of irrigation of such land held by a tenant as was receiving water from the tank, well or other sources of irrigation for the said purpose, during any two agricultural years falling within a period of seven years immediately preceding the commencement of the Ajmer Tenancy and Land Records (Amendment) Act, 1954;
- (b) be entitled to charge irrigation dues at such rates as may be prescribed from every such tenant to whom water is supplied under clause (a);
- (c) maintain and keep in repair all the tanks, wells or other sources of irrigation belonging to him at his own expense.

(2) If any owner of a tank, well or other sources of irrigation does not maintain and keep in good repair such tank, well or other sources of irrigation at his own expense, the Sub-Divisional Officer may on his own motion or on the application of any interested tenant arrange for the repairs of the tank, well or other source of irriga-

tion and recover the cost thereof from the owner of the tank, well or other source of irrigation as arrear of land revenue."

**13. Amendment of section 91, Act XLII of 1950.**—In section 91 of the principal Act,

(1) in sub-section (1) for the words and figures "sections 62, 66, 67, 69 to 77, 81, 87 to 90 and 108 to 112" the words and figures "sections 62, 66, 67, 69 to 81, 84 to 90 and 108 to 112" shall be substituted.

(2) sub-section (2) shall be re-numbered as sub-section (3) of the same section and the following shall be inserted as sub-section (2), namely:—

"(2) Notwithstanding anything contained in any law, agreement, *sanad* or the Record of Rights, no *jagirdar* or *muafidar* shall recover from any *biswadar* as revenue payable by him more than one-twelfth of the produce of his holding."

**14. Substitution of new section for section 102, Act XLII of 1950.**—For section 102 of the principal Act, the following shall be substituted, namely:—

"102. Remedies for wrongful ejectment.—A tenant ejected from his holding or any part thereof, otherwise than in accordance with the provisions of this Act,

(a) by his landholder or any person claiming as landholder to have a right to eject him, or

(b) by any person admitted to or allowed to retain possession of the holding by such landholder or person, whether as tenant or otherwise,

may, within three years of such ejectment, apply to the Sub-Divisional Officer—

(i) for possession of the holding;

(ii) for compensation from the landholder for wrongful dispossession; and

(iii) for compensation from the landholder for any improvement he may have made or for a tree belonging to him.<sup>55</sup>

**15. Substitution of a new section for section 112, Act XLII of 1950.**—For section 112 of the principal Act, the following section shall be substituted, namely:—

"112. Compensation for refusal to supply water by owner of a tank.—(1) If the owner of a tank, well or other sources of irrigation refuses or fails to supply water to any tenant as required by section 87, the Sub-Divisional Officer may, on an application made by such tenant and after making such enquiry as he deems fit, make an order in writing directing the owner of the tank, well or other sources of irrigation to supply to such tenant such quantity of water and within such time as may be specified in the order.

(2) If the owner of a tank, well or other sources of irrigation fails to comply with an order made by the Sub-Divisional Officer under sub-section (1), the Sub-Divisional Officer shall, unless the owner of the tank, well or other sources of irrigation had lawful excuse for not complying with the order, award to the tenant to whom water was to be supplied a sum not exceeding five hundred rupees as compensation.

(3) In assessing compensation under sub-section (2), the Sub-Divisional Officer shall have regard to the extent of the damage caused to the crop of the tenant to whom water was to be supplied, by reason of the failure of the owner of the tank, well or other sources of irrigation to supply water to such tenant in terms of the order made by the Sub-Divisional Officer under sub-section (1)."

**16. Amendment of section 121, Act XLII of 1950.**—In section 121 of the principal Act,

(1) the words, figures and brackets "(1) Except as otherwise provided in sub-section (2)," shall be omitted.

(2) sub-section (2) shall be omitted.

**17. Omission of section 124, Act XLII of 1950.**—Section 124 of the principal Act shall be omitted.

**18. Amendment of section 132, Act XLII of 1950.**—In sub-section (2) of section 132 of the principal Act, in clause (b) for the words "*jagirdars and muafidars*" the words, "*bhoomiyas, jagirdars and muafidars*" shall be substituted.

**19. Amendment of section 178, Act XLII of 1950.**—In section 178 of the principal Act, in clause (b) for the word "three" the word "two" shall be substituted.

**20. Amendment of section 182, Act XLII of 1950.**—In section 182 of the principal Act, in clause (i),

(a) for the words "of the parties" the words "aggrieved party" shall be substituted;

(b) for the words "seven days" the words "thirty days" shall be substituted.

**21. Amendment of section 187, Act XLII of 1950.**—In sub-section (1) of section 187 of the principal Act, after the words "the judicial Commissioner may" the words "of his own motion or" shall be inserted.

**22. Omission of section 198, Act XLII of 1950.**—Section 198 of the principal Act shall be omitted.

**23. Amendment of the First Schedule to Act XLII of 1950.**—In the First Schedule of the principal Act,

(1) in paragraph 1 the words "other than sub-tenants" shall be deleted;

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- (2) in paragraph 4 for the words "a tenant" wherever they occur the words "a tenant or a sub-tenant" shall be substituted.
- (3) in the table below sub-paragraph (2) of paragraph 6 for the heading in column 3 "Other waste land" the heading "Waste land and pasture land" shall be substituted.

P. N. SETH,  
Secretary to the Government of Ajmer.

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